

1 AN ACT concerning environmental protection.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Environmental Protection Act is amended
5 by changing Sections 17.7 and 17.8 as follows:

6 (415 ILCS 5/17.7) (from Ch. 111 1/2, par. 1017.7)

7 Sec. 17.7. Community water supply testing fee.

8 (a) The Agency shall collect an annual nonrefundable
9 testing fee from each community water supply for
10 participating in the laboratory fee program for analytical
11 services to determine compliance with contaminant levels
12 specified in State or federal drinking water regulations. A
13 community water supply may commit to participation in the
14 laboratory fee program. If the community water supply makes
15 such a commitment, it shall commit for a period consistent
16 with the participation requirements established by the Agency
17 and the Community Water Supply Testing Council (Council). If
18 a community water supply elects not to participate, it must
19 annually notify the Agency in writing of its decision not to
20 participate in the laboratory fee program.

21 (b) The Agency, with the concurrence of the Council,
22 shall determine the fee for participating in the laboratory
23 fee program for analytical services. The Agency, with the
24 concurrence of the Council, may establish multi-year
25 participation requirements for community water supplies and
26 establish fees accordingly. The Agency shall base its annual
27 fee determination upon the actual and anticipated costs for
28 testing under State and federal drinking water regulations
29 and the associated administrative costs of the Agency and the
30 Council. By October 1 of each year, the Agency shall submit
31 its fee determination and supporting documentation for the

1 forthcoming year to the Council. Before the following January
2 1, the Council shall hold at least one regular meeting to
3 consider the Agency's determination. If the Council concurs
4 with the Agency's determination, it shall thereupon take
5 effect. The Agency and the Council may establish procedures
6 for resolution of disputes in the event the Council does not
7 concur with the Agency's fee determination.

8 (c) Community water supplies that choose not to
9 participate in the laboratory fee program or do not pay the
10 fees shall have the duty to analyze all drinking water
11 samples as required by State or federal safe drinking water
12 regulations established after the federal Safe Drinking Water
13 Act Amendments of 1986.

14 (d) There is hereby created in the State Treasury an
15 interest-bearing special fund to be known as the Community
16 Water Supply Laboratory Fund. All fees collected by the
17 Agency under this Section shall be deposited into this Fund
18 and shall be used for no other purpose except those
19 established in this Section. In addition to any monies
20 appropriated from the General Revenue Fund, monies in the
21 Fund shall be appropriated to the Agency in amounts deemed
22 necessary for laboratory testing of samples from community
23 water supplies, and for the associated administrative
24 expenses of the Agency and the Council.

25 (e) The Agency is authorized to adopt reasonable and
26 necessary rules for the administration of this Section. The
27 Agency shall submit the proposed rules for review by the
28 Council before submission of the rulemaking for the First
29 Notice under Section 5-40 of the Illinois Administrative
30 Procedure Act.

31 (f) The Director shall establish a Community Water
32 Supply Testing Council, consisting of 5 persons who are
33 elected municipal officials, 5 persons representing community
34 water supplies, one person representing the engineering

1 profession, one person representing investor-owned utilities,
2 one person representing the Illinois Association of
3 Environmental Laboratories, and 2 persons representing
4 municipalities and community water supplies on a statewide
5 basis, all appointed by the Director. Beginning in 1994, the
6 Director shall appoint the following to the Council: (i) 2
7 elected municipal officials, 2 community water supply
8 representatives, and 1 investor-owned utility representative,
9 each for a one-year term; (ii) 2 elected municipal officials
10 and 2 community water supply representatives, each for a 2
11 year term; and (iii) one elected municipal official, one
12 community water supply representative, one person
13 representing the engineering profession, and 2 persons
14 representing municipalities and community water supplies on a
15 statewide basis, each for a 3 year term. As soon as possible
16 after the effective date of this amendatory Act of the 92nd
17 General Assembly, the Director shall appoint one person
18 representing the Illinois Association of Environmental
19 Laboratories to a term of 3 years. Thereafter, the Director
20 shall appoint successors in each position to 3 year terms. In
21 case of a vacancy, the Director may appoint a successor to
22 fill the remaining term of the vacancy. Members of the
23 Council shall serve until a successor is appointed by the
24 Director. The Council shall select from its members a
25 chairperson and such other officers as it deems necessary.
26 The Council shall hold at least 2 regular meetings each year.
27 The Agency shall provide the Council with such supporting
28 services as the Director and the Chairperson may designate,
29 and members shall be reimbursed for ordinary and necessary
30 expenses incurred in the performance of their duties. The
31 Council shall have the following duties:
32 (1) to consider any fee determinations submitted by
33 the Agency pursuant to subsection (b) of this Section,
34 and to hold regular and special meetings at a time and

1 place designated by the Director or the Chairperson of
2 the Council;

3 (2) to consider appropriate means for long-term
4 financial support of water supply testing, and to make
5 recommendations to the Agency regarding a preferred
6 approach;

7 (3) to review and evaluate the financial
8 implications of current and future federal requirements
9 for monitoring of public water supplies;

10 (4) to review and evaluate management and financial
11 audit reports related to the testing program, and to make
12 recommendations regarding the Agency's efforts to
13 implement the fee system and testing provided for by this
14 Section;

15 (5) to require an external audit as may be deemed
16 necessary by the Council; and

17 (6) to conduct such other activities as may be
18 deemed appropriate by the Director.

19 (Source: P.A. 88-488.)

20 (415 ILCS 5/17.8)

21 Sec. 17.8. Environmental laboratory certification
22 assessment fee.

23 (a) ~~Beginning--January-17-1996~~ The Agency shall collect
24 an annual administrative assessment ~~of--\$350~~ from each
25 laboratory requesting certification for meeting the minimum
26 standards established under the authority of subsection (n)
27 of Section 4. The Agency also shall collect an annual a
28 certification assessment for each certification requested,
29 based on the following schedule:

30 (1) For certification to conduct public water
31 supply analyses:

32 (A) \$350 per year for inorganic parameters;
33 and

1 (B) \$350 per year for organic parameters.

2 (2) For certification to conduct water pollution
3 analyses:

4 (A) \$700 per year for inorganic parameters;
5 and

6 (B) \$700 per year for organic parameters.

7 (3) For certification to conduct analyses of solid
8 or liquid samples for hazardous or other waste
9 parameters:

10 (A) \$900 per year for inorganic parameters;
11 and

12 (B) \$900 per year for organic parameters.

13 (4) An administrative assessment of \$350 per year
14 from each laboratory requesting certification.

15 (b) The administrative assessment shall be paid at the
16 time the laboratory submits an application a--request for
17 certification or renewal of certification and on the
18 anniversary date of the initial certification. The
19 certification assessment shall be paid at the time the
20 laboratory submits an application and on the anniversary date
21 of the initial certification. Assessments paid under this
22 Section may not be refunded.

23 (c) The Agency must ~~may~~ establish procedures relating to
24 the certification of laboratories, analyses of samples,
25 development of alternative assessment schedules, and
26 collection of assessments. No assessment for the
27 certification of environmental laboratories shall be due
28 under this Section from any department, agency, unit of State
29 government, or any municipal government that conducts
30 analyses of samples from public water supplies. The Agency's
31 cost for certification of laboratories that are exempt from
32 the assessment shall be excluded from the calculation of the
33 alternative assessment schedules.

34 (d) All moneys collected by the Agency under this

1 Section shall be deposited into the Environmental Laboratory
2 Certification Fund, a special fund hereby created in the
3 State treasury. Subject to appropriation, the Agency shall
4 use the moneys in the Fund to pay expenses incurred in the
5 administration of laboratory certification duties. All
6 interest or other income earned from the investment of the
7 moneys in the Fund shall be deposited into the Fund.

8 (e) The Director shall establish an Environmental
9 Laboratory Certification Committee consisting of (i) one
10 person representing accredited county or municipal public
11 water supply laboratories, (ii) one person representing the
12 Metropolitan Water Reclamation District of Greater Chicago,
13 (iii) one person representing accredited sanitary district or
14 waste water treatment plant laboratories, (iv) 3 persons
15 representing accredited environmental commercial laboratories
16 duly incorporated in the State of Illinois and employing 20
17 or more people, (v) 2 persons representing accredited
18 environmental commercial laboratories duly incorporated in
19 the State of Illinois employing less than 20 people, and (vi)
20 one person representing the Illinois Association of
21 Environmental Laboratories, all appointed by the Director.
22 If no accredited laboratories are available to fill one of
23 the categories under item (iv) or (v) then any laboratory
24 that has applied for accreditation may be eligible to fill
25 that position. Beginning in 2002, the Director shall appoint
26 3 members of the Committee for a one year term, 3 members of
27 the Committee for 2 year terms, and 3 members of the
28 Committee for 3-year terms. Thereafter, all terms shall be
29 for 3 years. In the case of a vacancy, the Director may
30 appoint a successor to fill the remaining term of the
31 vacancy. Members of the Committee shall serve until a
32 successor is appointed by the Director. No member of the
33 Committee shall serve more than 2 consecutive 3-year terms.
34 The Committee shall select from its members a Chairperson and

1 any other officers that it deems necessary. The Committee
2 shall hold at least 2 regular meetings each year. The Agency
3 shall provide the Committee with any supporting services that
4 the Director and the Chairperson may designate. Members of
5 the Committee shall be reimbursed for ordinary and necessary
6 expenses incurred in the performance of their duties. The
7 Committee shall have the following duties:

8 (1) To consider any alternative assessment
9 schedules submitted by the Agency pursuant to subsection
10 (c) of this Section;

11 (2) To review and evaluate the financial
12 implications of current and future State and federal
13 requirements for certification of environmental
14 laboratories;

15 (3) To review and evaluate management and financial
16 audit reports relating to the certification program and
17 to make recommendations regarding the Agency's efforts to
18 implement alternative assessment schedules;

19 (4) To consider appropriate means for long-term
20 financial support of the laboratory certification program
21 and to make recommendations to the Agency regarding a
22 preferred approach;

23 (5) To provide technical review and evaluation of
24 the laboratory certification program;

25 (6) To hold regular and special meetings at a time
26 and place designated by the Director or the Chairperson
27 of the Committee; and

28 (7) To conduct any other activities as may be
29 deemed appropriate by the Director.

30 (Source: P.A. 89-368, eff. 1-1-96.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.